

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RONALD JAY MILLER,

Defendant.

CR 13-02-H-DLC

ORDER

United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation in this matter on May 14, 2013. Neither party objected and therefore they are not entitled to de novo review of the record. 28 U.S.C. § 636(b)(1); United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003).

This Court will review the Findings and Recommendation for clear error.

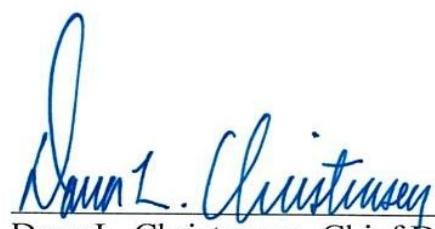
McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” United States v. Syrax, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Lynch recommended this Court accept Ronald Jay Miller's guilty plea after Miller appeared before him pursuant to Federal Rule of Criminal Procedure 11, and entered his plea of guilty to one count of accessing with intent to view child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B) (Count I) as set forth in the Superseding Indictment. In exchange for Defendant's plea, the United States has agreed to dismiss Counts II and III of the Superseding Indictment.

I find no clear error in Judge Lynch's Findings and Recommendation (doc. 53), and I adopt them in full, with the correction at Page 3—there are 2 references to the Indictment, which should be Superseding Indictment, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS ORDERED that Ronald Jay Miller's motion to change plea (doc. 43) is GRANTED.

DATED this 12th day of June 2013.



Dana L. Christensen, Chief District Judge
United States District Court